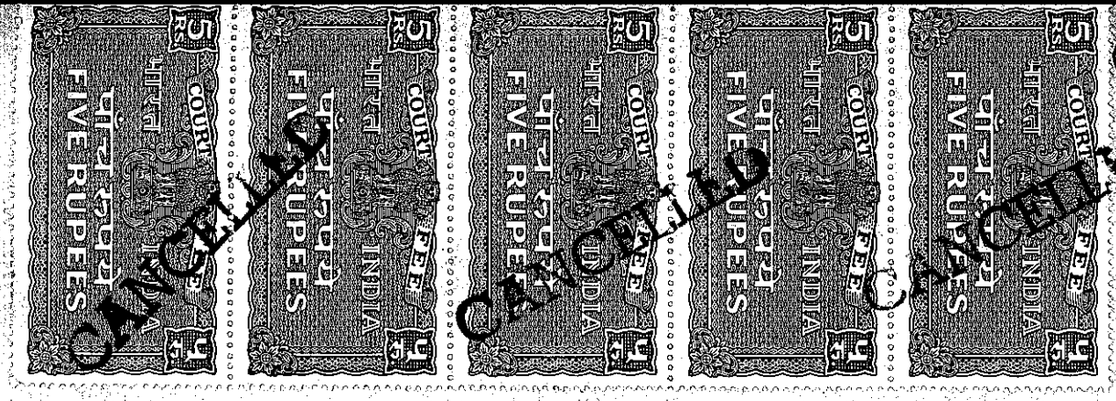


(3)

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)**

(Flood

**WRIT PETITION NO. 1024 OF 2004**

**PETITIONER :**

P. R. No. 10414 Bilaspur
Presented by Shri Agrawal
dated 28.10.04

Association of Private Universities, A Society registered under the Society Registry Karan Adhiniyam, 1973, having its Head Office Presently at R-1 Anupam Nagar, Raipur, Through Its Secretary - Sanjay Verma, S/o Shri Prasheshwarlal Verma, Aged about 40 years, R/o J-5, Anupam Nagar, Raipur (C.G.).

- V e r s u s -

**RESPONDENTS :**

1). State of Chhattisgarh, Through: Secretary, Department of Higher Education, Mantralaya, D.K.S. Building, Raipur (C.G.).

2). Regulatory Commission, Constituted under the Chhattisgarh Nizi Kshetra Vishwa Vidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 ( No.2 of 2002) C/o Secretary, Department of Higher Education, Mantralaya, D.K.S. Building, Raipur (C.G.).

3). Universities Grants Commission, Through Its Chairman, Bahadur Shah Zafar Marg, New Delhi.

4). All India Council of Technical Education, Indira Gandhi Sports Complex, I.P. Estate, New Delhi-110002.

5). Medical Council of India, Through: Its Secretary, Aiwan - E - Galib Marg, Opp. to Mata Sundari College For Women, New Delhi. 110002.

6). Pharmacy Council of India, Combined Councils Building, Kotla Road, Aiwan - E-Galib Marg, P.O. Box No.7020, New Delhi- 110002.

सपथ आयुक्त
बिलासपुर तहसील छत्त

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S.H.C.M.
Clerk to A.G. Bilaspur

XI-HC-78

(102)

# उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

## मामला क्रमांक WP 1024/2004 सन् 200

### आदेश पत्रक (पूर्वानुबद्ध)

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | **DIVISION BENCH:**<br>**HON'BLE SHRI A.K. PATNAIK, CJ**<br>**& HON'BLE SHRI SUNIL KUAMR SINHA, J.**<br><br>**25.06.2005:**<br>Heard Mr. S.R.J. Jaiswal, learned counsel for the petitioners, Mr. P.S. Koshy, learned Dy. Advocate General for the State of Chhattisgarh and Mr. Vinay Harit, Sr. Advocate with Mr. A. Swarnkar, learned counsel for respondents 3 & 6.<br>In this writ petition the petitioners have challenged the constitutional validity and vires of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2004 by which the provisions of Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 are sought to be amended.<br>By a judgment of the Supreme Court dated 11.02.2005 delivered in Writ Petition (Civil) No.19 of 2004 (Professor Yashpal & Others vs. State of Chhattisgarh & Others), the Supreme Court has declared the provisions of Sections 5 & 6 of the Chhattisgarh Niji Kshetra Vishwavidyalaya (Sthapana Aur Viniyaman) Adhiniyam, 2002 as ultra vires the Constitution and has also quashed the notifications issued by the State Government in the Gazette in the purported exercise of the power under Section 5 of the aforesaid Act notifying the universities and also held that the universities shall cease to exist.<br>In view of the said judgment of the Supreme Court dated 11.02.2005, this writ petition does not survive and accordingly the same is dismissed.<br><br>**Sd/-**<br>**Chief Justice**<br><br>**Sd/-**<br>**Sunil Kumar Sinha**<br>**Judge** | |

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